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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
vs.
JACOB E. TAUBER,
Defendant

Case No.: CR 18-140-JLS-1

DEFENDANT'S SENTENCING POSITION AND MEMORANDUM

SENTENCING POSITION

Defendant Tauber has been informed by counsel for the United States that the government will be recommending to the Court: (1) a ten-level downward departure to a guideline range of 4-10 months; and (2) a sentence of probation, with the condition that the defendant serve four months on home detention. The defendant joins in those recommendations.

SENTENCING MEMORANDUM

Dr. Jacob (Jack) Tauber appears before the Court for sentencing after having pled guilty to count two of the indictment - conspiracy – in violation of 18 U.S.C. § 371. Jack has cooperated extensively by forthrightly admitting his own conduct and has assisted government agents by answering questions during numerous meetings and telephone conferences as well as by personally

1 testifying in federal court in July 2021. It was later determined that during his testimony he was
2 suffering from pneumonia and was quite ill yet persisted in testifying over several days. In May
3 2020, Jack was diagnosed with Stage 4 Mantle Cell Lymphoma which had metastasized to his
4 bone marrow. He made the decision to undergo a life threatening and very invasive stem cell
5 transplant and numerous bouts of chemotherapy which made him quite ill. Indeed, Jack is
6 extremely fortunate to be alive.

7
8 This sentencing memorandum¹ serves to provide the Court with ample reasons why a
9 sentence of probation with the condition of four months home detention is warranted and
10 reasonable in this case.
11

12 **JACK'S PERSONAL HISTORY IS REMARKABLE
AND HAS SHAPED HIS CHARACTER**
13

14 Jack Tauber was born on December 4, 1951 in Vineland, New Jersey. He is 70 years old.
15 He is the second of three children born to Abraham Tauber and Regina Sznajderman Tauber.
16 Abraham was raised on a farm and a mill owned by his family in Warsaw, Poland. He was an
17 expert horseman and qualified for the Polish Calvary, a position almost nonexistent for Jews. The
18 Calvary was extremely anti-Semitic. When the war broke out, Abraham's sister wanted to get
19 married but they did not have a dowry to pay. Abraham donated his life savings so his sister could
20 marry. She escaped to Russia with her husband. Essentially, Abraham saved his sister's life as the
21 rest of his siblings were killed. All of Abraham's family was in a cattle car on their way to the
22 concentration camp when he jumped out of the truck as it slowed for a turn. He fled on foot amidst
23 a flurry of gunfire. He was shot in the lip and ran to a house for help. They stitched his lip using
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27 ¹ This sentencing memorandum references character letters and one email written on behalf of Defendant
28 Tauber. Those documents, along with numerous others character letters, will be filed on the docket as Attachments A
and B, respectively.

urine to sterilize a needle and thread from his shirt. He was hiding in the woods, surviving on potatoes, when he met up with a group of Russians who fled a concentration camp. Their group grew to 300 and the Russians made him an officer. There were only 14 remaining in the group by 1945. Out of 200 large families from Abraham and Regina's village, only seven people survived. Abraham and Regina were two of the seven.

At the end of the War, Abraham found Regina and they escaped into West Germany. They were married on May 1, 1945, and they came to the United States in 1949, settling in New York. They became chicken farmers in Vineland, New Jersey where they lived among a community of survivors. Abraham built a feed mill and took a course in poultry nutrition to learn how to manufacture chicken feed.

Abraham and a group of other farmers built a synagogue on non-usable land, Congregation She'arit HaPlaita (which means The Survivor's Remnant), where Abraham served as president for eight years. Jack's mother worked two jobs and their father worked on the farm for 4:00 am until the lights went off in the packing house at 11:00 p.m.

Later in the 1960's after Jack graduated high school, his father became a successful real estate developer in Northern New Jersey. He is the founder of the New Synagogue of Fort Lee, where he served as its first president. Abraham and Regina lived in Englewood Cliffs, New Jersey during their later years. Abraham and Regina passed away in 2018 at ages 101 and 102 respectively.

Jack has an older sister, Ruth Pomerantz, who is four years older and was born in Germany before the family came to the United States. Ruth is a former English teacher and staff developer for the New York City school system who now operates the family real estate business with their

1 younger sister, Annette. Ruth resides in Alpine, New Jersey. Jack's younger sister, Annette Tauber
2 Stern, resides in Cresskill, New Jersey.

3 Jack was raised on the chicken farm. He started working on the farm at age six or seven.
4 His parents struggled financially. They traded eggs for green peppers and vegetables. After school
5 Jack packed eggs for delivery to a restaurant in town. Jack attended Yeshiva until 6th grade when
6 he attended the public junior high school. Although Jack worked on the farm daily during his
7 childhood, he also enjoyed time with his cousins during the summers. They rode bikes and went
8 swimming in the river.

9 Jack graduated from Vineland Senior High School in 1969. He was editor and chief of the
10 school newspaper. According to his sister, Ruth, "Jack graduated valedictorian in a class of 600
11 students. He went on to graduate from University of Pennsylvania in three years because he didn't
12 want our parents to continue to struggle to pay for school." Jack studied pre-med and history and
13 graduated in 1972. During college, Jack covered football and basketball news on the school radio
14 and also led guided tours of the school.

15 Jack was accepted to Yale Medical School where he attended from 1972-1976. From 1976-
16 1977 he was in residency at Cornell Hospital. From 1977 to 1980, Jack was in orthopaedic
17 residency at Yale. In 1979, Jack chose to volunteer his time in Caracas, Venezuela. He added that
18 he slept six hours every two days. He returned to Yale and completed his residency in 1980.

19 In 1984, Jack married Nicole Lasher and they conceived a son, Jonathan. Jack and Nicole
20 were divorced in 1988 and, after a short legal battle, Jack was awarded custody of Jonathan.
21 Jonathan graduated with a Master's Degree in Business Administration from New York
22 University. He is 35 years old and is employed in real estate in Los Angeles. According to
23 Jonathan, his father "fought to keep custody, he cared about me so much and focused his time on
24

1 me. It was just the two of us from the time I was two until I was nine. When I started being with
2 my mom a couple of days each week, my dad stacked all of his work on the days I wasn't there.
3 He came to all my soccer games, it was unbelievably impressive, he killed himself to be there. I
4 can't say enough of what a great dad he has been. I went on rounds with him, all of the nurses
5 knew me. We played tennis together until he hurt his shoulder and then we played golf every
6 Friday and on weekends for years." They continued to play golf until Jack became ill. They
7 continue to see each other often.

8 In 1995, Jack married Elizabeth Ochsner. They have two daughters, Alyx and Lauryn. Alyx
9 Tauber, age 24, graduated from University of Southern California in systems engineering while
10 working three jobs. During her third year, she was invited to begin a Master's degree in data
11 analytics. She is employed as a group analyst in New York. Lauryn Tauber, age 22, recently
12 graduated magna cum laude from Thornton School of Music at the University of Southern
13 California. She is a singer and songwriter who resides in Nashville, Tennessee. Jack and Elizabeth
14 were divorced in September 2021.

15 Jack shares a very close relationship with all three of his children. In an interview with the
16 defense, Jack's daughter Alyx noted that although he worked very hard, he also included them by
17 bringing them to the office and getting them donuts. She added, "He did a great of balancing work
18 and family. He put us first. He is the most selfless, generous person. He always drove us to school
19 and never turned on the radio. It was our time to talk. He engaged with us, made us golf with him.
20 He went out of his way for us all of the time. He has left meetings, even surgery to help me." Alyx
21 noted that her father goes out of his way to help others in many different situations. There is one
22 friend who is always having problems and Jack gives him money over and over even though he
23 knows the friend will not repay him. Alyx noted that he does it because the man has two daughters.
24

1 so he looks beyond the situation. She added that he has a consistent pattern of giving to others who
2 only come to him when they need something. Alyx noted that her father sees the medical side of
3 things very clearly and feels rewarded when he is able to help people. He is estatic when he can
4 improve someone's quality of life. He has never paid attention to the business side. He wants to
5 see the positive side of everyone.

6
7 According to Alyx, her father is more excited than she is when good things happen. He
8 shares in her joy and lifts her up repeatedly. Alyx added, "I have anxiety and I get worked up. I
9 call him every day and he calms me down. I am so worried about this situation. He was raised on
10 a chicken farm and although he was exposed to business later, there was never really a situation to
11 learn from it."

12
13 Jack's daughter Lauryn was also interviewed by the defense. Lauryn noted that Jack carries
14 a lot of grief through his parents having suffered from the Holocaust. They could not get help and
15 this has caused him to feel a sense of duty and angst. He does not want anyone to need help and
16 not get it. She added, "his generosity and selflessness come from the weight of where he came
17 from. He always took our side and placed a lot of trust and faith in us. He treated us like equals
18 and showed us respect. She noted that family is everything to him. He lifts us up, he cried at my
19 brother's graduation. He finds out what we like and how he can make our time fun and special.
20 Lauryn noted that her father is really trusting and very easy to befriend. He builds personal
21 relationships with co-workers and never thinks to questions their motives. His parents had so much
22 integrity and surrounded themselves with those types of people who they trusted. Lauryn added
23 that Jack hates conflict. If he cares about you, he will let you get away with things. He won't say
24 anything that will upset you. This impairs his ability to stand up for himself. He does not want to
25 bother or inconvenience anyone. He acquiesces and always goes out of his way even though it
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1 inconveniences him. He feels the need to please everyone so much that he doesn't see the need to
2 ask questions. He has a ton of faith in everyone and trusts the process so much. He went from a
3 chicken farmer to a surgeon so he trusts that things will go well. He is instilled by his parents' faith
4 in God and faith in people. Lauryn added, "It is not from oblivion or naivete as much as this
5 idealistic image he has of others."

6

7 Jack sees all his children regularly and is very active in their lives.

8

9 **JACK WAS PATIENT-ORIENTED AND WENT ABOVE AND
BEYOND THE TYPICAL ATTENTION EXTENDED TO PATIENTS**

10 Many of the letters submitted to the Court reflect Jack's desire to treat his patients without
11 the need for surgery. In fact, Jack talked many patients out of having surgery and they recovered.

12 For example, according to patient, Charles Laverty,

13

14 "As required by my insurance I had to receive multiple opinions from both an Orthopedist
15 and a Spine surgeon. All recommended surgeries. Doctor Tauber insisted on not doing any surgical
16 procedure and his advice was 100 percent correct. I avoided surgery and am just about fully
17 recovered. Because of his advice and the time he took to explain everything to me I owe a
18 tremendous debt of gratitude to him. He is by far the best and most honest physician I have ever
19 met."

20

21 According to Cindy Graf,

22

23 "Dr. Tauber has treated many of my clients over the last 23 years, and in a number of cases.
As a treating physician, I have valued Dr. Tauber not only for his quality medical treatment, but
for his compassion toward and demonstrated selflessness in taking care of many injured workers
whom I have represented over the years. In numerous cases, Dr. Tauber has treated my clients
without being paid. Dr. Tauber has provided treatment for seriously injured clients of mine on a
pro bono basis, without expectation of being paid, including cases where the entire claims of

1 legitimately injured workers have been denied. He has done so for an extended period of time,
2 sometimes for years.

3 According to patient Harrison Gray,

4 “Dr. Tauber has treated me as a patient for serious back and knee problems for over 20
5 years. Despite serious disc and neural problems in my back, he has struggled successfully to keep
6 me well for many years, with an attitude of thoroughness and genuine caring which goes far
7 beyond what is professionally expected of a physician. I have referred at least 30 acquaintances
8 and friends to Dr. Tauber for various orthopaedic and neurological problems over time. Each
9 person has remarked on how thorough, effective and caring- even above and beyond, was the
10 treatment they received from Dr. Tauber as a professional. Of these referrals more than 10 were
11 without medical insurance of any kind. In each case, Dr. Tauber advanced his time, that of his
12 employees, and expenses of testing and treatment form his own pocket since the client could not
13 pay. I am even aware that Dr. Tauber has treated over 100 Federal government postal employees
14 who often did not have proper medical insurance, due to budget and administrative complications
15 in Washington; and notwithstanding. Dr. Tauber treated each of these patients, advancing any
16 expenses necessary out of his pocket, and giving the time of himself and his office staff for free,
17 irrespective of the insurance coverage, or the patient’s ability to pay.”

21 Indeed, the many letters filed as exhibits reflect the countless relatives of patients or friends
22 that could not afford medical treatment, who Dr. Tauber not only treated for free, but followed up
23 with to assure they were recovering well.

25 **JACK’S VOLUNTEER SERVICE TO THE COMMUNITY
IS EXTENSIVE AND SPANS 40 YEARS**

27 From 1980-2000, Jack donated his time at a weekly clinic at UCLA. Because of his
28 training, background, and willingness to volunteer, he helped run clinics, specifically the cervical

1 spine clinic, where he donated his services and taught orthopaedic surgery residents and medical
2 students for over 20 years. He did this for free. He also performed high-risk surgeries including
3 fusions on unstable rheumatoid cervical spines for free at UCLA and the West LA (Wadsworth)
4 VA Medical Center. He also gave his time participating in Grand Rounds weekly. His
5 commitment was a minimum of 6 to 8 hours a week for over 20 years.
6

7 From 1980-1990, he was the attending physician on trauma service and clinics at Cedars
8 Sinai. He donated a substantial amount of time in monthly clinics as well as attending emergency
9 calls for free and performing many free surgeries. He performed high-risk surgeries, trauma and
10 joint deformities.
11

12 From 2000-2015, he volunteered his time educating students at UCLA on orthopaedic
13 exam and anatomy.
14

15 Since 1995, Jack has donated much time and financial donations to St. Anne's, a social
16 service agency helping young women in foster care who are pregnant and/or parenting. Their
17 mission is to provide the necessary services to help break the cycle of abuse, neglect and poverty.
18 As the attached letter from Lorna Little, President of St. Anne's, dated November 14, 2018,
19 provides:
20

21 "His generosity over the years includes more than \$103,000 in financial support. In
22 addition, his wife has served on the Board and his children have volunteered in several capacities
23 over the years. Dr. Tauber opened up his home and hosted a "fundraiser" for St. Anne's and has
24 introduced new people to us whom we might not ever have met otherwise. He has provided
25 internship opportunities for former residents to gain employability skills. At his core, Dr. Tauber
26 is a very generous community member who gives back to underserved communities."
27
28

1 Since 1980, Jack has volunteered his time as an interviewer for the admissions process at
2 University of Pennsylvania. He has also hosted events to benefit the university as gratitude for the
3 opportunities provided to him.
4

5 Jack has also donated his time and money to Yale Medical School. He hosted events and
6 served as their class representative in 2019.
7

Community Service Outside of Practicing Medicine

8 Jack was a very involved father and volunteered many hours assisting at his childrens'
9 school activities. He managed the class contributions at his daughter's school and led the father's
10 group at his son's school for many years. A letter from Stephen Switzer, the former Headmaster
11 at Curtis School, provides in part:
12

13 "Dr. Tauber and his wife have two charming and talented daughters who went through my
14 school. Dr. Tauber and his wife were exemplary parents. He was an admirable role model for his
15 children and others within the community. While at my school he volunteered his time on various
16 school committees; he was a contributor and highly participatory. The core of his character is
17 exemplified and highlighted observing his interaction with school personnel from members of the
18 maintenance staff, teachers, to members of the administration; he was always supportive and
19 respectful to all."
20

21 From 1985-1990, Jack was a board member for Jewish Big Brothers. This was a monthly
22 commitment. He assisted in obtaining contributions for Camp Max Strauss-non-denominational
23 camp to allow children without fathers to attend summer camp.
24

25 For over three years, Jack has donated his time weekly at the Los Angeles Mission helping
26 to secure items needed for the homeless population. It is estimated that he has served nearly 1,000
27 hours during this time. A letter from the executive director, Ivan Klassen, states in part:
28

1 “He has faithfully served here, securing needed items through our Gift in Kind Department.
2 He has also made incredible in-roads with several organizations that truly help our budget. Dr.
3 Tauber is always willing to lend a hand, help in any way he can. His wonderful sense of humor
4 and wit certainly lend to the spirit of goodwill and generosity that the Los Angeles Mission needs
5 and is a beloved volunteer. Just the other day, one of the people overseeing the GIK department
6 said and I quote ‘you know Dr. Jack is my favorite volunteer!’ We see nothing but sincere, honest
7 hard-working character and work ethic from Dr. Jack and he is a valuable member of the Los
8 Angeles Mission Team. I know that Dr. Tauber certainly feels terrible about his involvement in
9 this and it is seemingly not in his character to even do this. For what its worth it certainly seems
10 that Dr. Jack has learned a valuable lesson. Dr. Jack is a good and caring man and has even
11 attempted to help one of our LAM Foundation Board members with a free diagnosis and operation
12 on a bad hip. Truly Dr. Jack is a man of good character and from all I/we have seen and a person
13 who is an incredible member of the Los Angeles community. I know that Dr. Jack has the best of
14 intentions and that he will continue to bring goodwill and benefit not only to the Los Angeles
15 Mission but to the whole community at large.”
16

17 An email to Jack dated January 27, 2021, from Kimberly Battaglia reads:
18
19 ‘Hello Jack,
20
21 Hope this email finds you well. Just wanted to send a much needed shout out to you for
22 your hard work and dedication in maintaining our donor calls to the Gift In Kind department. Jack,
23 I know that in last year even though you are going through medical issues and also even being
24 hospitalized you were able to assist our department with returning donor calls. Jack without your
25 dedication to the population the Los Angeles Mission serves daily, and the passion you possess
26 with giving back unconditionally, I would not be able to keep up with the day to day. It’s volunteers
27
28

1 like you that assist with making our organization a success in the plight of the underserved
2 community that is so forgotten at times.

3 Be safe. I can't wait to see your smiling face at our facility once again. Don't ever go
4 anywhere you're an asset to our community!

5 Wishing well, and thank you for keeping me in line with our donor base.

6 Your friend,

7 Kimberly”

8 Please see the attached award from Los Angeles Mission dated April 27, 2021, recognizing
9 Jack for his dedication to serve the homeless in Skid Row at the Los Angeles Mission.
10

11 It is particularly noteworthy that Jack continued to volunteer remotely for LA Mission
12 throughout Covid-19. Even though Jack was hospitalized and undergoing aggressive
13 chemotherapy, he continued to help remotely from his hospital bed and is proud that he did not
14 miss a day of service.

15 Since 2019, Jack has served as a medical volunteer at the Grand Park Convalescent
16 Facility. Approximately twice per month, he has performed numerous services to educate the
17 nursing staff, supervised proper techniques whether for dressing or stoma changes, making sure of
18 sterile techniques, educating nursing staff as to proper patient care from decubitus care to turning
19 techniques or techniques for mobilizing impaired patients, and more recently have educated all on
20 prevention of COVID-19 viral infections, proper recognition, alertness to details. He stopped
21 working when he was diagnosed with stage IV lymphoma in May 2020.
22

23 Since 2019, Jack has also volunteered weekly at LA Wellness, in the impoverished area
24 known as South/Central or the Projects, where he has helped with wellness care, providing supplies
25 for children who otherwise could not afford them. He consulted on health care, provided an
26

educational consultant and obtained donations of computers and televisions. He has helped delivered turkeys in Watts on Thanksgiving.

Jack has helped at Watts Healthcare as well. He helped with wellness care, and worked with consultants to better the health care in the underserved community and provided supplies for children.

Since 2012, Jack has volunteered at Beverly Hills Carmel Retirement/assisted living facility. He attended Sabbath services to enable the elderly to have enough men for an orthodox service. He led parts of the service regularly and led the service when the Rabbi was ill.

JACK SHOWS EXTRAORDINARY COMPASSION TO OTHERS

Jack is much more than a doctor. He lives his life in service of others.

According to a close friend, Kristin Sullivan, she writes in part:

"My family first met Jack in 2004 when our daughters were in Kindergarten together. Jack taught my son to ride a bike, and we went on family rides together. We spent many years volunteering our children's elementary school together. The kids were always excited to see him because they couldn't wait to hear his funny jokes. Always quick with a smile, he has a light that comes from deep within that is the sign of a genuinely good person. Observing Jack with his wife and daughters is beautiful. He is an involved and loving husband and father, and a pillar of strength. He was instrumental in putting his daughters on their successful and happy paths in life. He cherishes his relationships with family and friends and would do anything to help anyone in need. I knew Jack's parents and siblings well, who were/are the kindest, most generous people I have ever known. From this family came a truly great man. When my husband battled throat cancer, Jack was there every step of the way, as a supportive friend and with medical advice and referrals. Jack sat in my husband's hospital room with every free moment he had, and made him

1 laugh and tried to take him out of his pain. He reached out to me every day to see if he could do
2 anything for us. He helped our family survive during that difficult time. My husband eventually
3 died in May of 2017, and since then, Jack has been the rock for me and my children. I don't know
4 what we would have done without his love and support. He now has an active role as a surrogate
5 father to my son, Liam. Jack had a very close relationship with my husband, and my son feel safe
6 with Jack, and connected with his father when he is with him."

8 According to a long-term friend, Ike Solomon, he writes, in part:

9 "I have been very good friends and a patient of Jack Tauber for over thirty years. I am
10 deeply saddened and shocked of the news to that of what Jack has plead guilty to. He is the one
11 person in world that I can truly say is the most honest, nicest, loving, funny, and generous person
12 I have ever met. He is a true-blue person who has a lot of integrity. When my ex-wife left me she
13 left me with my two young children for me to take care of them by myself Jack helped me
14 throughout the years in so many ways. He helped me financially because I was left with only one
15 income of which was not enough for my children and I to survive. He never asked for any money
16 back. Since he served on the board of the Jewish Big Brothers and Sisters and made donations to
17 help unfortunate children, Jack was able help me get my children into the Jewish Big Brothers and
18 Sisters program and help me get into Camp Max Strauss. Thanks to Jack my daughter, Sophia, has
19 been going there for 4 summers for free and she now has a big sister as a great mentor. When I
20 had to go Bankrupt Jack helped me pay my rent and car payment so I wouldn't get evicted and
21 lose my car. When I didn't have health insurance Jack treated me at no cost. No words can express
22 how truly grateful I am to have him as wonderful loving and caring friend. Jack's involvement in
23 a criminal offense is so out of character. I have never ever seen him do anything bad to anyone! I
24 pray the court will understand what a great and honest person he truly is. Thank you."

1 A letter from Jack's brother-in-law, Andrew Ochsner, reads in part:

2 "Over the many years I have known Jack, he has exhibited many qualities in a person I
3 truly admire. First and foremost is Jack's love and dedication to his family. All have solid
4 foundations of love, hard work and kindness, all of which were a product of a wonderful
5 upbringing. Jack and Elizabeth are some of the best parents I know. I remember many years ago
6 a close friend of mine Javier, was diagnosed with advanced Lung Cancer. Javier was only in his
7 late 30's and had a wife and two little kids. I reached out to Jack and he immediately jumped in.
8 He didn't know the family at the time, just that they were friends of mine. Over the next year, Jack
9 devoted much time to helping them sort through the healthcare maze, select the correct doctors
10 and care, and just simply call Javier and check in with him at times. All of which he obviously was
11 not being paid for. This was not important to Jack. When Javier finally had the surgery to remove
12 a lung, Jack was the first person to greet him as he awoke from the long surgery. That's just Jack.
13 He's always the first guy to jump in and help. No questions asked. If it wasn't for Jack's support
14 early on while I was building my company, I would not be where I am today. He put his financial
15 credit on the line for me, when I had no credit, to help me buy equipment that was essential to
16 building my company. I owe a lot of my successes to Jack. He is very unselfish. Jack blames
17 himself for getting into this mess and I know from talking extensively with him, he truly is sorry
18 for the mistakes he's made. He is devastated he has caused so much pain for so many people. He
19 has so much good that shines from him, so much, I know it will shine even brighter in the future.
20 We learn from our mistakes. Jack is extremely smart. He's learned a lot."

21 A letter from his friend of over 50 years, Andy Kaplan, states in part:

22 "In this time, we have experienced each other's marriages, birth of children, Bar Mitzvahs,
23 death of parents and many other fortunate and unfortunate life cycle events. I was diagnosed with
24

1 Lymphoma in October 2016 had had a relapse in March 2018. Each incident required
2 chemotherapy. Jack consoled me, encouraged me, and offered me medical advice, offered to refer
3 me to a lymphoma specialist in Boston and did everything possible to help me maintain my positive
4 spirits. A week has not passed in these two years that I have not received phone calls and emails
5 of encouragement from Jack – a true friend who understands and practices empathy.
6

**JACK IS A RECOGNIZED EXPERT WITNESS WHO HAS
GARNERED THE UTMOST RESPECT FROM THE
LOCAL BAR AS WELL AS THE LOCAL BENCH**

In addition to his employment as an orthopaedic surgeon, Jack has been employed as an expert witness in personal injury litigation cases for the past 35 years. It is important to note that Jack has been retained by both plaintiffs and defendants.

A letter from attorney Frank D'Oro states in part:

I have been a practicing litigation attorney for 40 years and have known Dr. Tauber for at least 30-plus years. Initially, my contact with Dr. Tauber was as a retained defense medical expert, but I soon realized that Dr. Tauber was frequently retained by both plaintiffs and defendants. Dr. Tauber is universally respected by both bars, not because he is someone who is known for ‘providing the testimony you need’ no matter how farfetched, he is utilized by both sides because he is recognized as a person of integrity who would not render opinions that were not justified by the medical facts. I have personally been involved in several cases where Dr. Tauber plainly acknowledged the weaknesses of the plaintiff’s case when presented with adverse information and similarly, when the facts warranted it, he would tell a defense counsel when claimed injuries or treatment were legitimate. I am aware of the charges against Dr. Tauber and must confess that when I heard of the same I was shocked. I do not profess to know why Dr. Tauber did what he did, but I know that he is deeply ashamed for the mistakes he has made and how they have tarnished

1 him and his family. Professionally, he stands to lose everything, including his medical practice
2 and his work as a retained medical consultant. And although he plainly acknowledges that he has
3 ruined his life, I believe he intends to accept his punishment and for the remainder of his life
4 embrace the character that initially allowed him to succeed and prosper.”
5

6 A letter from attorney Mark Dupont provides in part:

7 “As a member of the California bar, I first met Dr. Tauber about 25 years ago on a case in
8 which he was testified on behalf of the railroad and against my client. Even though I disagreed
9 with him, I found him to be very professional. Over the last 25 years, I have been involved with
10 Dr. Tauber, both for and against my clients, on approximately fifteen occasions. Each time, he has
11 accommodated all parties, been extremely forthright and candid. Jack has always handled himself
12 in this manner in this context. But that is not why I am writing to you on his behalf. I have come
13 to know Jack personally over the last 25 years. It started with a cup of coffee after a deposition
14 and today I count him as a close and dear friend. In 1999, I was diagnosed with cancer and given
15 90 days to live. I doubt that Jack will even remember this but I had several calls with him during
16 those hard days and he was there to help talk me through it, suggest health care providers to talk
17 with, and most importantly, to never give up. He related stories of his own parents who lived
18 through the horrors of the Holocaust, their struggles and how they shaped his life. With the help
19 of friends like Jack, I made it through those times. Those times bring out true friends. Jack has
20 opened up his home to me, sharing everything from family events to religious holidays even though
21 we are not of the same religion. Three years ago, my wife suffered a severe leg injury. While in
22 the hospital, I called Jack late at night. He was on the phone with the ER doctors reviewing the
23 films and discussing options. He gave great comfort to my wife during that time. I know I could
24 count on him no matter what time of day it is, he has always been there for me and my family. I
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1 had a client who had already undergone four shoulder surgeries yet still was in constant pain. The
2 doctors here were at a loss. I called Jack. He offered to see my client. Jack was able to determine
3 the cause, which gave great relief to my client. He is an excellent doctor. Regardless of this
4 situation, I would have no hesitation in having Jack treat my family, any client, or me. I know this
5 matter has caused Jack great heartache both professionally and in his relationships with friends,
6 co-workers and family. I do not believe that anyone goes through life without making mistakes.
7 Mistakes make us stronger and I have full faith that once this is behind Jack, he will move forward
8 as a stronger person. I can only ask that you consider that Jack is an excellent family man, he
9 served his patients well, his is a gifted and excellent surgeon and the fact that he can no longer
10 practice will, in and of itself, be a severe punishment for Jack. I know Jack; this entire situation
11 haunts him, I can see it in his eyes when I talk with him. I can only request you to consider all the
12 good Jack has done over the years at his sentencing.”

15 A letter from retired Judge Robert M. Letteau reads in part:

16 “Having worked as a mediator and arbitrator in the Southern California Community for the
17 past 16 years following my retirement from the Los Angeles County Superior Court (Judge 1982-
18 2002), I offer this letter of support for Dr. Tauber. During the past 10 years or so, I have presided
19 over several cases in which Jacob Tauber has testified as an expert witness. His credibility was
20 enhanced by testifying for both Plaintiffs and Defendants in these cases, rather than exclusively
21 for one side or the other. Moreover, it has been my observation that Dr. Tauber’s patients were
22 extremely pleased with and appreciative of his surgical and other professional services, which
23 often were provided to them on a pro bono basis. It should be noted that Dr. Tauber’s contributions
24 to the community include his volunteer services to 1) St. Anne’s, a home for single high risk
25 mothers and their children; 2) The UCLA Spine Clinics; 3) the West LA VA hospital and 4)

1 Various orthopaedic clinics at Cedars-Sinai. Though I understand that Dr. Tauber's serious
2 mistakes have led to his present legal difficulties, it is my sincere hope that his many philanthropic
3 activities will be considered at sentencing."

4

**JACK HAS EXHIBITED EXTRAORDINARY
ACCEPTANCE OF RESPONSIBILITY**

5

6 Jack has expressed remorse for his conduct. He is deeply ashamed of his involvement in
7 this case. He will likely lose his medical license and has already lost his highly recognized standing
8 in the medical community.

9

10 Jack participated via video as a panelist at the Annual Meeting of the American Academy
11 of Orthopaedic Surgeons in a symposium entitled, "Orthopaedic Surgeons in Prison: It Could
12 Happen to You" presented at the Chicago Convention Center on March 23, 2022. Jack understands
13 that nothing just "happened to him;" it was his illegal conduct that caused his indictment and
14 subsequent unraveling of his career and reputation and exposed him to incarceration. He seeks to
15 notify other orthopaedic surgeons of the moral and ethical responsibility to understand the laws
16 surrounding financially remunerative business deals, verbal agreements, handshake deals, and
17 other financial arrangements. He wants to warn other surgeons of the potential trappings and how
18 easy it is to ignore warning signs and the moral and ethical obligation to decline anything that can
19 be viewed as improper. Jack's agreement to participate in such a symposium is his way of publicly
20 admitting and acknowledging his wrongdoing.

21

22 Jack has spent dozens of hours with government agents admitting his own wrongdoing and
23 assisting them in their investigation of others who were involved in this case. As noted, he testified
24 in federal court in July 2021, when he was ill with pneumonia and recovering from a life-
25 threatening procedure to transplant his stem cells and while suffering from Stage 4 Mantle Cell
26 Lymphoma which had metastasized to his bone marrow.

1 **JACK WILL LIKELY NOT SURVIVE IF SENT TO PRISON**

2 In December 2019, Jack suffered a bout of legionnaires pneumonia. In March 2020, he had
3 bowel symptoms and began losing his appetite. On March 1, 2020, he underwent endoscopy and
4 colonoscopy, and it was evident that he had pressure on his colon from an external mass.
5 Ultimately, it was determined that he had a mantle cell lymphoma. There were numerous other
6 masses that were quite large, and the bone marrow biopsy confirmed the lymphoma was in his
7 bone marrow too, so it was Stage 4. He developed an anal fissure, an extremely painful condition
8 and he underwent CT scans, pet CT scans, cardiac echocardiography (one of the chemotherapeutic
9 agents is extremely cardio toxic) and bone marrow biopsies. On May 15, 2020, a port was placed
10 in his left arm which remains in place for his continuing chemotherapy, and he began the Nordic
11 chemotherapy regimen, a brutal series of both inpatient and outpatient admissions to Cedars Sinai.
12 The agents used killed off his white cells, but they also killed other cells and he required multiple
13 platelet transfusions and a blood transfusion in addition to the horror of chemotherapy. Ultimately
14 a jugular line was placed, and he underwent harvesting of stem cells. In mid-October 2020, he
15 was admitted to Cedars Sanai for 3 weeks. A line was placed in his right arm and the chemotherapy
16 regimen was even more brutal. His white cells were obliterated leaving him very susceptible to
17 infection and he required IV antibiotics as infection was feared. Any infection at this time is
18 frequently fatal.

19 On October 21, 2020, he underwent a stem cell transplant and was discharged from Cedars
20 in November. After returning home, he was debilitated and experienced dizzy spells. He fell a
21 couple times just going from a couch to the pantry. Jack's and his wife Elizabeth had separated in
22 August 2019. Fortunately, Jack's son and daughter-in-law moved into his home to care for him.
23 The chemotherapy wiped out any memory his body had of any immunity, so he is receiving the
24

1 childhood immunizations in between his chemotherapy treatments. If immunizations are done too
2 close to the time of chemotherapy, the body will not make antibodies. Therefore, he must undergo
3 frequent blood testing and PET CT scans to determine if there is active tumor. It is well known
4 that this type of cancer has a significant recurrence rate.
5

6 **Jack's course of treatment may include more chemotherapy plus another two years**
7 **of receiving childhood immunizations.** His current medications are Acyclovir 800mg twice a
8 day, Crestor 10 mg per day, Colace 200 mg per day.

9 The attached letter dated March 23, 2022, from Dr. Justin Darrah, Hematologist at Cedar
10 Sinai Medical Center, reads in part:

12 "As you may know, he has been diagnosed with stage IV mantle cell lymphoma and is
13 currently undergoing treatment. His initial treatment included high intensity chemotherapy
14 followed by a stem cell transplant. He continues to undergo post-transplant treatment that will
15 span approximately 2 more years. During his treatments, he will be immunocompromised and at
16 increased risk of significant complications from infections that could be life-threatening. Thus, he
17 will need to take precautions to minimize his risk of exposure to infection, including minimalizing
18 social contact. As a result of his transplant, he has lost all prior immunity. As such, he will need
20 to undergo revaccination with all prior vaccines he has received in his lifetime. He has now started
21 the revaccination process which takes about 2 years in total. During this time period, he will be at
22 increased risk if illness from any of the diseases that he has not been fully vaccinated for.
23

24 Notably, despite the intensity of the aforementioned treatments they are unfortunately not
25 curative but are given with the goal of prolonging his survival. I anticipate that even after
26 completion of these treatments his cancer will progress in the future and he will require additional
27 treatment and possibly another stem cell transplant if he is capable of tolerating such treatments at
28

1 that time. Patients who are unable to tolerate additional treatments at this point are typical expected
2 to pass away from their cancer.”

3 **CONCLUSION**
4

5 Defendant Jack Tauber appears before the Court after having pled guilty and accepting
6 responsibility for his criminal behavior. He has demonstrated remorse and deeply regrets his
7 involvement in this offense. He has been outspoken regarding warning other surgeons about the
8 consequences of this type of unlawful conduct. He has fully cooperated with the prosecution,
9 including testifying in court.

10 Jack’s good deeds and service to the community are extraordinary and should be
11 considered. He has dedicated his life to the service of others. He focuses on the underprivileged.
12 He has engaged in extensive volunteer work and selfless contributions to the community for the
13 past 40 years, long before his involvement in this offense, and long after this offense and while
14 battling a debilitating, deadly disease. His service likely extends far beyond that of most offenders
15 who come before the Court for sentencing.

16
17 Jack immediately satisfied his forfeiture obligation in the amount of \$525,000.

18
19 Jack is in grave health. As explained by Dr. Justin Darrah, Jack continues to undergo post-
20 transplant treatment that will span approximately two years in total. During his treatments, he will
21 be immunocompromised and at an increased risk of significant complications from infections that
22 could be life threatening.

23
24 Jack was indicted in July 2018, nearly four years ago. Since that time, he has undergone
25 horrendous medical treatment to save his life. He will likely lose his medical license. And he has
26 lost his reputation, and his marriage of 24 years has ended. He has also suffered the stress and

1 anxiety of waiting for nearly four years to learn the outcome of his criminal conduct. He has been
2 serving his own private punishment since his indictment.

3 Jack is 70 years old and suffers from a terminal illness. There is no need to protect the
4 public as there is no risk of recidivism.
5

6 Particularly considering recent legislation such as The First Step Act and Compassionate
7 Release (which includes terminally ill patients) which aim to reduce the already bloated federal
8 prison system, probation is appropriate.

9 Defendant Tauber respectfully requests that the Court impose the sentence recommended
10 by the government: a sentence of probation with a condition that he serve four months on home
11 detention.
12

13 Respectfully submitted,

14 /s/ Steven H. Sadow
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19 Atlanta, Georgia 30303
20 E-mail: stevesadow@gmail.com
21 Attorney for Jacob Tauber

22 **CERTIFICATE OF SERVICE**

23 I hereby certify that on April 1, 2022, I electronically filed the foregoing document with
24 the Clerk of Court using the CM/ECF system that will automatically send e-mail notification of
such filing to all parties of record.

25 /s/ Steven H. Sadow
26 STEVEN H. SADOW
27
28